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CITY OF HOMER

HOMER, ALASKA

ORDINANCE 87-26

AN ORDINANCE AMENDING TITLE 1, GENERAL PROVISIONS, OF THE HOMER MUNICIPAL CODE BY ADDING CHAPTER 1.10 WHICH INDEMNIFIES CITY OFFICIALS AND EMPLOYEES FROM PERSONAL LIABILITY ARISING FROM THE TRANSACTION OF CITY BUSINESS.

WHEREAS, in recent years there have been an increasing number of lawsuits against municipalities in which City officials and employees are also personally named as defendants, and

WHEREAS, such officials and employees should be protected from personal liability for their actions or omissions taken in good faith and in the course of furthering City business, and

WHEREAS, the threat of personal liability may discourage qualified persons from serving as officials or employees in City government, and

WHEREAS, the City Council has adopted Resolution 87-79 which provides for indemnification of elected and appointed officials and employees of the City and now desires to enact an ordinance which incorporates this policy in the municipal code.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Title 1, General Provisions, of the Homer Municipal Code is hereby amended by the addition of Chapter 1.10, to read as follows:

CHAPTER 1.10

INDEMNIFICATION OF OFFICIALS AND EMPLOYEES

Sections:

- 1.10.010 Indemnification from Personal Liability.
- 1.10.020 Period of indemnification; persons covered.
- 1.10.030 Exclusions.

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1.10.010 Indemnification from personal liability. hereby indemnifies and holds harmless from personal liability all elected and appointed officials and employees of the City, including members of boards and commissions, who, at the time they have been named as defendants in any lawsuit were acting in good faith and in the course and furtherance of City business. Such indemnification shall include the costs of defending any such official or employee provided the City shall retain the right to select counsel for the purpose of such defense.

1.10.020 Period of Indemnification and persons covered. period of indemnification shall include incidents which arise during the entire period within which any elected or appointed official or employee shall have been serving in an official capacity for or employed by the City of Homer. This period shall include lawsuits filed prior to the date of this ordinance as well as those filed subsequent to its passage and shall further apply to those named as defendants who may no longer be officials of or employed by the City, so long as they were serving in such capacity at the time of the alleged act or omission.

1.10.030 Exclusions. Persons acting in bad faith or outside the regular scope of City business or who are charged with a criminal offense are specifically excluded from indemnification under this chapter.

DATED at Homer, Alaska the 11th day of January, 1988.

CITY OF HOMER

ATTEST:

First Reading: 12/14/A7

Public Hearing: /2/28/97

Second Reading: 1/11/88

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Reviewed and approved as to form and content: C. City Manager /-//-88

A& Robert Hahl City Attorney